IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 22153 of 2005

Between:

M/s. Vinayaka Traders, Rep by its Proprietor,
Dodla Bikshapathi, S/o. Sailu, aged 49 years,
H.No. 18-8-118, Laxminagar, Karimabad,

Warangal District.

..... PETITIONER

AND

Central Bank of India, Warangal Branch,
Rep. by its Authorised Officer, at J.P.N. Road,

Warangal.

.....RESPONDENT

* * *

ORDER:

This writ petition has been filed seeking a writ of Mandamus to declare the notices dated 10.09.2005 issued by the respondent, as arbitrary and illegal and violative of principles of natural justice and consequently direct the respondent to consider and dispose of the

representation of the petitioner dated 29.09.2005 for grant of one year time after determination of the amount by providing opportunity to the petitioner.

2. The case of the petitioner is that the petitioner was sanctioned loan of Rs.2.5 lakhs in the month of November 2002, against which he furnished house property bearing No.18-8-116 situated at Laxminagar, Kareemabad, Warangal, belongs to his wife, as security. According to the petitioner he paid part of the amounts. Since the amount opted is a measure of O.D. facility extended by the bank, there is no time limit prescribed, as such there is no justification in issuing impugned notices straight away under the Securitisation Act.

3. Be that as it may, since the petitioner filed a representation dated 29.09.2005 and the same is pending with the respondent, this Court feels it appropriate to direct the respondent to dispose of the representation dated 29.09.2005 filed by the petitioner as per law. Till then, the impugned notices may not be given effect.

4. With the above direction, the writ petition is disposed of. No costs.

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C.V.RAMULU, J.

Date: 18th October 2005.

Note:

Issue CC in two days.

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BSB